

**UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 15 Case
)	
Fairfield Sentry Limited, et al.,)	Case No: 10-13164 (BRL)
)	
Debtors in Foreign Proceedings.)	Jointly Administered
)	
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Fairfield Sentry Limited (In Liquidation),)	Civ. Pro. No. 10-cv-7408 (UA)
)	Adv. Pro. No. 10-03635
Plaintiff,)	
)	
-against-)	
)	
ABN AMRO Schweiz AG, et al.,)	
)	
Defendants.)	
)	
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Fairfield Sentry Limited (In Liquidation), Fairfield)	Civ. Pro. No. 10-cv-7410 (UA)
Sigma Limited (In Liquidation) and Fairfield)	Adv. Pro. No. 10-03636
Lambda Limited (In Liquidation),)	
)	
Plaintiffs,)	
)	
-against-)	
)	
ABN AMRO Schweiz AG, et al.,)	
)	
Defendants.)	

**JOINDER OF DEFENDANT J.P. MORGAN (SUISSE) S.A.
IN MOTION TO WITHDRAW THE REFERENCE**

Defendant J.P. Morgan (Suisse) S.A. (“JPM Suisse”) hereby submits this joinder in the motion (the “Motion”) dated September 20, 2010 of Defendants HSBC Private Bank (Suisse) SA, HSBC Securities Services (Luxembourg) SA, HSBC Bank USA NA, HSBC Private Bank (C.I.) Limited, HSBC Private Banking Nominee 1 (Jersey) Limited, Robinson & Co., Caeis Bank Luxembourg, Citibank NA London, Citibank (Switzerland) AG, Citigroup, Citivic

Nominees Limited, BNP Paribas Securities Services Luxembourg, BNP Paribas Luxembourg SA, BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, and BNP Paribas (Suisse) SA Private (the “Moving Defendants”), pursuant to 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011, and Rule 5011-1 of the Local Rules of the Bankruptcy Court, for an order withdrawing the reference to the Bankruptcy Court of the above-captioned adversary proceedings.¹

As set forth in the Motion, 28 U.S.C. § 157(d) authorizes the District Court to “withdraw” any “case or proceeding referred” to the Bankruptcy Court “for cause.” Under the factors set forth in *Orion Pictures Corp. v. Showtime Networks, Inc. (In re Orion Pictures Corp.)*, 4 F.3d 1095 (2d Cir. 1993), “cause” to withdraw the reference exists where the plaintiff’s claims fall outside a bankruptcy court’s “core” jurisdiction, and where interests of efficiency and sound administration would be served by withdrawal. *See* Motion at 10-11.

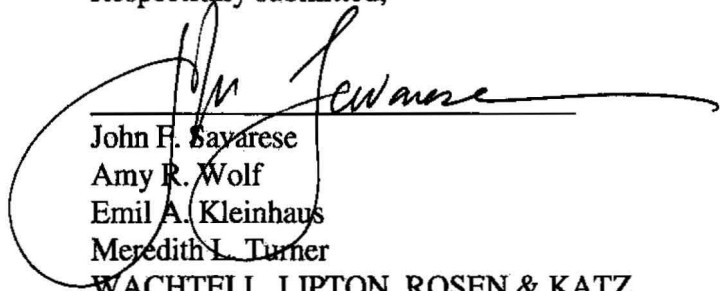
Here, plaintiffs’ claims are plainly not core. As common law claims that are wholly independent of any bankruptcy case, the claims do not “arise in” a bankruptcy case or “under” the Bankruptcy Code for purposes of 28 U.S.C. § 1334(b). *See* Motion at 12-15. Indeed, the Bankruptcy Court lacks any jurisdiction over plaintiffs’ claims, as the claims are not even “related to” a bankruptcy case under that statutory provision. *See* Motion at 8-10. Furthermore, concerns of judicial efficiency and the policy against forum shopping also strongly support withdrawal of the reference. *See* Motion at 15-19.

Accordingly, JPM Suisse respectfully requests that the Court issue an order withdrawing the reference of the above-captioned adversary proceedings.

¹ JPM Suisse expressly reserves all defenses in these actions, including defenses based on failure to state a claim, ineffective service of process, statutes of limitation, and lack of personal and subject matter jurisdiction.

Dated: New York, New York
October 7, 2010

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "John F. Sayarese", is written over a horizontal line. The signature is fluid and extends to the right.

John F. Sayarese
Amy R. Wolf
Emil A. Kleinhaus
Meredith L. Turner

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